

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MOJO NICHOLS, SUSAN BREWSTER,
DUANE DEA, MARYANNE DERACLEO,
KAREN KELLY, REBECCA RICHARDS,
JENNIFER SELLERS, and STACY
SPENCER,

*Individually and on Behalf of All Others
Similarly Situated,*

Plaintiffs,

v.

NOOM, INC., ARTEM PETAKOV, and JOHN
DOES 1 TO 5,

Defendants.

No. 20 Civ. 3677 (KHP)

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF THE CLASS ACTION
SETTLEMENT AND RELATED RELIEF**

PLEASE TAKE NOTICE THAT upon the parties' Class Action Settlement Agreement (the "Settlement Agreement"), annexed as Exhibit A to the Declaration of Steven L. Wittels in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action Settlement and Related Relief (the "Wittels Declaration"); the accompanying Memorandum of Law; and all other papers and proceedings herein, Plaintiffs Mojo Nichols, Susan Brewster, Duane Dea, Maryanne Deracleo, Karen Kelly, Rebecca Richards, Jennifer Sellers, and Stacy Spencer ("Plaintiffs") hereby move this Court under Federal Rule of Civil Procedure 23 and Rule 7.1 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York for an Order:

(1) granting preliminary approval of the settlement embodied in the Settlement

Agreement;

- (2) preliminarily certifying the proposed Class for settlement purposes;
- (3) approving the parties' notice plan and directing its execution;
- (4) appointing Wittels McInturff Palikovic as Class Counsel;
- (5) scheduling the Final Approval Hearing;
- (6) endorsing the proposed Order Granting Preliminary Approval (attached as Exhibit 6 to the Settlement Agreement); and
- (7) granting such other relief as the Court deems just and proper.

In support of their Motion, Plaintiffs rely on the accompanying Memorandum of Law and the Wittels Declaration, both dated February 11, 2022, and all exhibits annexed thereto.

Dated: February 11, 2022
Armonk, New York

Respectfully submitted,

WITTELS MCINTURFF PALIKOVIC

By: /s/ Steven L. Wittels
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